

Consumer group asks high court to review its Questar rate ruling

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A group of Questar Gas customers is asking Utah's Supreme Court to reassess its recent ruling that barred them from challenging a \$4 million-a-year rate increase because it was determined they tried to get involved in the case too late.

The consumer group, led by former Committee of Consumer Services director Roger Ball, tried to overturn the rate increase put into place nearly two years ago to reimburse Questar for the cost of removing troublesome carbon dioxide from the natural gas it was piping to Utah homes.

They believed Questar caused the problem and that the company, not its customers, should bear the gas-processing expenses. The state high court, however, side-stepped that issue by ruling that the utility's customers had no legal standing to seek judicial review of the rate increase that was approved by the Utah Public Service Commission.

"I was disappointed the court decided that even if regulators fail to protect consumers that we have no judicial redress unless we've taken an active part from an early stage in every regulatory proceeding," Ball said. "That would be an incredibly time-consuming and costly undertaking."

He added that the request for reconsideration will give the state's highest court an opportunity to consider whether that is what it meant to say to ratepayers. Still, he conceded the chances were "pretty low" the court would agree to take another look at its ruling.

The case stemmed from a decadelong effort by Questar Gas to get its customers to foot the bill to remove carbon dioxide from its gas. Questar tried repeatedly to pass the cost on to its customers but was thwarted by the Committee of Consumer Services, which at that time had Ball as its director. The committee challenged the utility and won a \$29 million refund of the gas-processing charges it previously had collected from its customers.

Undaunted, Questar tried again in 2005.

And after conducting a series of secret closed-door meetings where even the subject of the discussions was kept from the public, the Committee of Consumer Services in a surprise move vowed to support the rate increase for Questar Gas. It also agreed to back Questar against anyone who didn't think the rate increase was fair.

When Ball and utility watchdog Claire Geddes realized the committee was siding with Questar, they tried to get involved in the case to protest the settlement. The state's top utility regulators on the PSC, however, determined they were too late - a position the Utah Supreme Court upheld.

"When the committee fails to stand up for consumers, as in this case, where does the court want us to turn for redress?" Geddes asked.

Committee of Consumer Services spokeswoman Christine Keyser said she doesn't believe the committee will be involved with the consumer group's request to the high court. "At this point, I don't believe the court even considers it necessary" for outside parties to be involved, she said.

Questar Gas said it believes the state Supreme Court made the right decision. "We can't imagine there will be much new to reconsider after 10 years."

Last week Questar Gas received permission from the PSC to lower its natural gas rates by \$89.6 million, or about \$5 a month for the typical homeowner.

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